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10/659,981	09/10/2003	Charles E. Schinner	100200314-1	5055

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EXAMINER
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LAM, HUNG H

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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09/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/659,981

Applicant(s)

SCHINNER ET AL.

Examiner

Hung H. Lam

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/10/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendments, filed on 20 June 2007, have been entered and made of record. Claims 1-26 are pending.

In review of Applicant's amendment to claim 26 and the title, the objections are hereby withdrawn.

### ***Response to Arguments***

2. Applicant's arguments filed 20 June 2007 have been fully considered but they are not persuasive.

3. With regarding independent claim 1, the Applicants representatives argue that Takahashi does not disclose a switching device and the software of Takahashi cannot toggle a switch as claim in claim1. The Examiner respectfully disagrees. First, the Applicants representatives admitted that the tasks of generating directory, storing images in a directory or deciding which directories to store image data are accomplished by software in Takahashi reference (see Applicants' remark on page 8). Second, the claim language does not precluding the Examiner from using any software switch means for retrieving or switching between directories. Third, a physical switching device or mechanism is inherently included in order to execute a software instruction for switching from one directory to a desired directory in respond to the recognition of different photographing positions or photographers (see Figs. 4-10; steps S3-S5, S13-15, S23-

25, S33-35, S43-45; Col. 5, Ln. 1-Col. 9, Ln. 21). By definition, to toggle means to switch from one option to another. Takahashi teaches that a photographer or position is recognized in order to retrieve or switch to the corresponding directory and thereby forming and recording a captured image file (see Figs. 5-7 and 9-10; S3-S8; S23-S28). Therefore, Takahashi does in fact read on all the features of claim 1.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., there is no switching device as claimed in claim 1 that enables a user to create directories) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

4. With regarding independent claim 9, the Applicants representatives argue that Takahashi are not disclosed some portions of claim 9 in printed bold type (see Applicants remark page 9) and cannot disclose toggling a switching device associated with said digital camera. Further more, Takahashi cannot disclose wherein said toggling causes subsequent image data to be stored in a second directory of said memory device. The Examiner respectfully disagrees. Please see the rejection of claim 9. As stated above, a physical switching device or mechanism is inherently included in order to execute a software instruction for switching from one directory to a desired directory (see Figs. 4-10; steps S3-S5, S13-15, S23-25, S33-35, S43-45; Col. 5, Ln. 1-Col. 9, Ln. 21) and thus the switching device or mechanism is inherently included a toggling structure and/or function. Further more, Takahashi teaches that a photographer or position is

recognized in order to retrieve or switch to the corresponding directory and thereby forming and recording a captured image file (see Figs. 5-7 and 9-10; S3-S8; S23-S28). Therefore, Takahashi does in fact read on all the features of claim 9.

5. With regarding independent claim 17, the Applicants representatives the Applicants representatives argue that Takahashi are not disclosed some portions of claim 17 in printed bold type (see Applicants remark page 10) and does not disclose a switching device. Accordingly, Takahashi cannot disclose toggling a switching device associated with said digital camera, said toggling causing image data to be stored in a second directory of said memory device. The Examiner respectfully disagrees. Please see the rejection of claim 17 and sections 3-4 above.

6. With regarding independent claim 25, the Applicants representatives that Takahashi are not disclosed some portions of claim 25 in printed bold type (see Applicants remark page 11) and Takahashi does not disclose a switching means wherein toggling said switching means causes image data to be stored in one of said plurality of directory. The Examiner respectfully disagrees. Please see the rejection of claim 25. Further more, Takahashi teaches that a photographer or position is recognized in order to retrieve or switch to the corresponding directory and thereby forming and recording a captured image file (see Figs. 5-7 and 9-10; S3-S8; S23-S28).

7. With regarding independent claim 26, the Applicants representatives argue that Takahashi are not disclosed some portions of claim 26 in printed bold type (see Applicants remark page 12) and Takahashi does not disclose a switching device. Therefore, Takahashi cannot

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disclose sensing toggling of a switching device and cannot disclose storing subsequent image data generated by said digital camera in a second directory of said memory device. The Examiner respectfully disagrees. Please see the rejection of claim 26. The Applicants representatives admitted that the tasks of generating directory, storing images in a directory or deciding which directories to store image data are accomplished by software in Takahashi reference (see Applicants' remark on page 8). Therefore, a physical switching device or mechanism is inherently included in order to execute a software instruction for switching from one directory to a desired directory (see Figs. 4-10; steps S3-S5, S13-15, S23-25, S33-35, S43-45; Col. 5, Ln. 1-Col. 9, Ln. 21) and thus sensing toggling of a switching device is inherently included in a switching device or mechanism. Takahashi teaches that a photographer or position is recognized in order to retrieve or switch to the corresponding directory and thereby forming and recording a captured image file (see Figs. 5-7 and 9-10; S3-S8; S23-S28).

In view of the above, the Examiner believes that the broadest interpretation of the present claimed invention does in fact read on the cited reference for at least the reasons discussed above and as stated in the detail Office Action as follows. This Office action is now made final.

***Claim Rejections - 35 USC § 102***

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 1-6, 9-14, 17-22 and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi (US-7,002,625).

With regarding **claim 1**, Takahashi discloses a digital camera comprising:

a memory device wherein image data generated by said digital camera is storable in said memory device (Fig. 1; Recording Medium 36; Col. 3, Ln. 30-34), said memory device comprising memory locations that are partitionable into a plurality of directories (see Figs. 4, 8 and 11 for the plurality of directories that are created within DCIM memory); and

a switching device having a first state and a second state (Fig. 7; see step S24-D25; Col. 7, Ln. 33-55; a switching device is inherently included for switching to a correct photographer directory in order to form or register the corresponding image file);

wherein image data is storable in a first of said plurality of directories; and wherein image data is storable in a second of said plurality of directories when said switching device is toggled from said first state to said second state (see Figs. 4, 8 and 11; Col. 7, Ln. 55-Col. 8, Ln. 5; Col. 9, Ln. 1-21).

With regarding **claim 2**, Takahashi discloses the digital camera wherein said switching device is toggled between said first state and said second state by audible signals (Figs. 1-2 wherein the photographer recognizing unit 46 includes voiceprint diction circuit 54; Col. 3, Ln. 40-53; Col. 4, Ln. 52-67; Col. 7, Ln. 55-Col. 8, Ln. 5).

With regarding **claim 3**, Takahashi discloses the digital camera wherein said switching device is toggled between said first state and said second state upon detection of human voice

(Figs. 1-2 wherein the photographer recognizing unit 46 includes voiceprint diction circuit 54; Col. 3, Ln. 40-53; Col. 4, Ln. 52-67; Col. 7, Ln. 55-Col. 8, Ln. 5).

With regarding **claim 4**, Takahashi discloses the digital camera further comprising a housing (Fig.1; a housing for camera 100 is inherently included), wherein said switching devices comprises a member that extends from said housing, and wherein said switching device is toggled between said first state and said second state upon movement of said member (Fig. 1; Operation Key 24; Col. 5, Ln. 47-67; Col. 6, Ln. 24-35; Col. 8, Ln.1-5).

With regarding **claim 5**, Takahashi discloses the digital camera wherein, upon toggling of said switching device, image data generated during a first period is storable in said first directory and image data generated during a second period is storable in said second directory (see Figs. 4, 8 and 11; Col. 6, Ln. 4-23; Col. 7, Ln. 55-Col. 8, Ln. 5; Col. 9, Ln. 1-21).

With regarding **claim 6**, Takahashi discloses the digital camera wherein a directory is creatable upon toggling of said switching device (see step S6, S16, S26, S36 in Figs. 5-7 and 9, respectively).

With regarding **claim 9**, Takahashi discloses a method of using a digital camera, said method comprising:

generating first image data (Fig. 7; step S22);

storing said first image data in a first directory of a memory device (Fig. 7; see steps S27-S28); and

toggling a switching device associated with said digital camera (Fig. 7; see step S25);



wherein said toggling (Fig. 7; see step S25) causes subsequent image data to be stored in a second directory of said memory device (Fig. 7; see steps S26-S28; Col. 7, Ln. 33-Col. 8, Ln. 5; Col. 9, Ln. 1-21).

With regarding **claim 10**, Takahashi discloses the method wherein said toggling comprises generating audio signals that are detectable by said switching device (Figs. 1-2 wherein the photographer recognizing unit 46 includes voiceprint diction circuit 54; Col. 3, Ln. 40-53; Col. 4, Ln. 52-67; Col. 7, Ln. 55-Col. 8, Ln. 5).

With regarding **claim 11**, Takahashi discloses the method wherein said toggling comprises generating voice signals that are detectable by said switching device (Figs. 1-2 wherein the photographer recognizing unit 46 includes voiceprint diction circuit 54; Col. 3, Ln. 40-53; Col. 4, Ln. 52-67; Col. 7, Ln. 55-Col. 8, Ln. 5).

With regarding **claim 12**, Takahashi discloses the method wherein said digital camera comprises a housing (Fig.1; a housing for camera 100 is inherently included), wherein said switching devices comprises a member that extends from said housing, and wherein said toggling comprises moving said member (Fig. 1; Operation Key 24; Col. 5, Ln. 47-67; Col. 6, Ln. 24-35; Col. 8, Ln.1-5).

With regarding **claim 13**, Takahashi discloses the method wherein, upon toggling of said switching device, image data generated during a first period is stored in said first directory and image data generated during a second period is stored in said second directory (see Figs. 4, 8 and 11; Col. 6, Ln. 4-23; Col. 7, Ln. 55-Col. 8, Ln. 5; Col. 9, Ln. 1-21).

With regarding **claim 14**, Takahashi discloses the method wherein said toggling creates a directory within said memory device (see Figs. 4, 8 and 11 for the plurality of directories that are created within DCIM memory).

With regarding **claim 17**, Takahashi discloses a method of sorting image data generated by a digital camera, said method comprising:

generating first image data using said digital camera (Fig. 7; step S22);

storing said first image data in a first directory within a memory device electrically connected to said digital camera (Fig. 7; see steps S27-S28; see Figs. 4, 8 and 11 for the plurality of directories that are created within DCIM memory); and

toggling a switching device associated with said digital camera (Fig. 7; see step S25), said toggling causing second image data to be stored in a second directory within said memory device (Fig. 7; see steps S26-S28; Col. 7, Ln. 33-Col. 8, Ln. 5; Col. 9, Ln. 1-21).

With regarding **claim 18**, Takahashi discloses the method wherein said toggling comprises detecting audible signals (Figs. 1-2 wherein the photographer recognizing unit 46 includes voiceprint diction circuit 54; Col. 3, Ln. 40-53; Col. 4, Ln. 52-67; Col. 7, Ln. 55-Col. 8, Ln. 5).

With regarding **claim 19**, Takahashi discloses the method wherein said toggling comprises detecting voice signals (Figs. 1-2 wherein the photographer recognizing unit 46 includes voiceprint diction circuit 54; Col. 3, Ln. 40-53; Col. 4, Ln. 52-67; Col. 7, Ln. 55-Col. 8, Ln. 5).

With regarding **claim 20**, Takahashi discloses the method wherein said digital camera comprises a housing (Fig.1; a housing for camera 100 is inherently included), wherein said switching devices comprises a member that extends from said housing, and wherein said toggling comprises moving said member (Fig. 1; Operation Key 24; Col. 5, Ln. 47-67; Col. 6, Ln. 24-35; Col. 8, Ln.1-5).

With regarding **claim 21**, Takahashi discloses the method wherein, upon toggling of said switching device, image data generated during a first period is stored in said first directory and image data generated during a second period is stored in said second directory (see Figs. 4, 8 and 11; Col. 6, Ln. 4-23; Col. 7, Ln. 55-Col. 8, Ln. 5; Col. 9, Ln. 1-21).

With regarding **claim 22**, Takahashi discloses the method wherein said toggling creates a directory within said memory device (see Figs. 4, 8 and 11 for the plurality of directories that are created within DCIM memory).

With regarding **claim 25**, Takahashi discloses a digital camera comprising:

a memory means for storing image data generated by said digital camera (Fig. 1; Recording Medium 36; Col. 3, Ln. 30-34), said memory means being partitionable into a plurality of directories (see Figs. 4, 8 and 11 for the plurality of directories that are created within DCIM memory); and

a switching means (Fig. 7; see step S24-D25; Col. 7, Ln. 33-55; a switching device is inherently included for switching to a correct photographer directory in order to form or register the corresponding image file);

wherein toggling of said switching means causes image data to be stored in one of said plurality of directories (see Figs. 4, 8 and 11; Col. 7, Ln. 55-Col. 8, Ln. 5; Col. 9, Ln. 1-21).

With regarding **claim 26**, Takahashi discloses a digital camera comprising a computer and a computer-readable medium operatively associated with said computer, said computer-readable medium encoded with computer executable instructions:

storing first image data generated by said digital camera in a first directory of a memory device (Fig. 7; see steps S27-S28);

sensing toggling of a switching device (Fig. 7; see step S24-D25; Col. 7, Ln. 33-55; a switching device is inherently included for sensing and/or switching to a correct photographer directory in order to form or register the corresponding image file); and

storing subsequent image data generated by said digital camera in a second directory of said memory device upon sensing said toggling of said switching device (Fig. 7; see steps S26-S28; Col. 7, Ln. 33-Col. 8, Ln. 5; Col. 9, Ln. 1-21).

### ***Claim Rejections - 35 USC § 103***

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Claims 7, 15 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Abram (US-6,462,778).

With regarding **claim 7**, Takahashi fails to explicitly disclose the digital camera wherein at least one of said image files has an audio file name associated therewith.

In the same field of endeavor, Abram teaches camera system wherein captured image and audio are link together (Fig. 7; see steps 710, 720, 724 and 726; Col. 4, Ln. 59-Col. 5, Ln. 14). Abram further teaches that the audio file may subsequently be recalled and replayed when the digital image file is recalled (Col. 5, Ln. 15-50). In light of the teaching from Abram, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Takahashi and Abram by linking captured image and audio file together. The modifications thus permit an audio file to be recalled and replayed when the digital image file is recalled (Abram: Col. 5, Ln. 15-50).

With regarding **claim 15**, the claim contains the same limitations as claimed in claim 7. Therefore, claim 15 is analyzed and rejected as previously discussed in claim 7.

With regarding **claim 23**, the claim contains the same limitations as claimed in claim 7. Therefore, claim 23 is analyzed and rejected as previously discussed in claim 7.

12. Claims 8, 16 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of Abram and further in view of Mauldin (US-5,664,227).

With regarding **claim 8**, Takahashi in view of Abram fails to disclose the digital camera of claim 7, wherein said image files are searchable based on said audio file name.

In the same field of endeavor, Mauldin teaches a video digital library system wherein voice, images and text are integrated to form an indexed searchable digital audio-video library and thus providing a searchable digital audio-video library (Col. 1, Ln. 19-36). In light of the teaching from Mauldin, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Takahashi and Abram by integrating voice, images and text to form an indexed searchable digital audio-video library. The modification thus provides a searchable digital audio-video library (Mauldin: Col. 1, Ln. 19-36).

With regarding **claim 16**, the claim contains the same limitations as claimed in claim 8. Therefore, claim 16 is analyzed and rejected as previously discussed in claim 8.

With regarding **claim 24**, the claim contains the same limitations as claimed in claim 8. Therefore, claim 24 is analyzed and rejected as previously discussed in claim 8.

### ***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after


the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung H. Lam whose telephone number is 571-272-7367. The examiner can normally be reached on Monday - Friday 8AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LIN YE can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SUPERVISORY PATENT EXAMINER